

In the United States Patent and Trademark Office

Appellants:	Ganesh Chandra Deka et al.	Docket No.:	18208
Serial No.:	10/627,558	Group:	1771
Confirmation No:	3392	Examiner:	Steele, Jennifer A.
Filed:	July 25, 2003	Date:	June 5, 2007
For:	Nonwoven Fabric With Abrasion Resistance And Reduced Surface Fuzziness		

Reply Brief Under 37 C.F.R. §41.41

Mail Stop Appeal Brief - Patents
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Examiner's Answer mailed April 05, 2007, Appellants submit the following remarks. This Reply Brief is submitted to reply briefly to certain of the Examiner's technical characterizations and statements.

In the Examiner's Answer on pages 6 and 7 and in reply to certain of Appellants' arguments the Examiner points out that the cited art (U.S. Pat. Nos. 6,169,045 and 5,605,749 to Pike et al.) refer to web formation on a "foraminous forming surface" and that Appellants' Comparatives are formed onto a "forming wire". However, it should be noted that forming wires are a type of forming surface. See, for example, Appellants' specification in the first paragraph of the Background section. In any event, whether or not the "foraminous forming surface" stated in the Pike references is 100% identical to the "forming wire" stated in Appellants' Comparatives, does not do much toward informing the discussion. In either case, the nonwoven material is formed upon the foraminous forming surface or the forming wire, then bonded (that is, the fibers making up nonwoven material are bonded together to form a bonded nonwoven material). In this standard nonwoven processing technique, then, following web bonding, the web is transferred off the forming wire/foraminous forming surface and, generally, wound up into a roll for storage or other use. The webs are not bonded to the forming wire/foraminous forming surface itself (nor has the Examiner alleged this to be the case).

These descriptions of standard nonwoven formation are quite distinctive from the process by which Appellants' material is made, in which the fibers are specifically not deposited directly onto the forming surface, but instead are formed onto a liner material that has itself been placed onto the forming surface. After the fibers for the nonwoven web are deposited onto the liner, the liner and nonwoven web are bonded, and, subsequently, the liner must be removed from the nonwoven web, to form the abrasion resistant nonwoven web material. What should be quite clear is that for either of the cited art materials or the Appellants' Comparative materials, no liner material is used and, of course, no liner material is bonded to the nonwoven thus produced, and then no liner material is removed from the nonwoven to form the final nonwoven material. It is Appellants' assertion that the process differences result in web characteristics not present in the cited art webs (and as can be seen by comparison with the testing of the Comparative nonwoven webs).

Again, for the sake of clarity, Appellants repeat here that their arguments relating to the process features are not provided in any attempt to argue an unclaimed process, but are rather provided to clearly rebut any allegation that the missing descriptive matter is necessarily present (inherent) by showing that the claimed materials are not made by the same process as the art materials, as was alleged by the Examiner. It would be a strange result indeed if the Examiner is permitted to try to argue "same process" to allege material inherency, yet is also permitted to dismiss Appellants' argument concerning process differences as no more than a misguided attempt to argue unclaimed process steps.

Appellants also point out a few comments in the Examiner's Answer that appear to be not correct. On page 7, the Examiner asserts that Appellants state that the process for their Comparative 2 is "the same as the process of producing the fabric of Pike `749". While this may be a small matter, Appellants wish to point out that this statement is not correct inasmuch as they have not argued that the two processes were "the same". Appellants have tried to be diligent in pointing out the both the similarities and the differences as between the various processes used for producing their inventive materials, their Comparative materials, and the materials in the cited art.

Also, in attempting to argue the differences between "foraminous forming surface" and "forming wire", the Examiner states on page 6 in reference to the Example/Comparatives described in Pike `749 that, "Pike `749 provided fabric test results to

indicate the products produced by a different processes, namely of a forming wire versus of a foraminous forming surface have different properties.” (Emphases are in Answer).

Appellants are not able to find mention in Pike `749 relating to fabric differences relating to foraminous forming surface vs. forming wire (or even any recognition in Pike `749 that one phrase was used in one place, and the other phrase used in another). However, Appellants note that Pike `749 does appear to clearly point to differences in absorbency based on fiber type. Please see Pike `749 at column 10, lines 36-41 (“The capacity results show that the present conjugate fiber nonwoven web has a significantly higher absorbent capacity compared to meltblown nonwoven webs and that the conjugate fiber web more readily releases the absorbed active agent in response to applied pressure.” (Emphases added by Appellants)). Therefore, Appellants assert it is not correct to state that Pike `749 provides fabric test results to indicate different properties due to foraminous forming surface versus forming wire. The Examiner’s Answer also contains similar statements on page 7.

For the reasons stated above and in Appellants’ Appeal Brief it is Appellants’ position that the Examiner’s rejection of claims has been shown to be untenable and should be **reversed** by the Board.

Any prosecutorial fees which may be due may be charged to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 770-587-8908.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I, Robert A. Ambrose, hereby certify that on June 05, 2007, this amended Brief is being transmitted to the United States Patent and Trademark Office, EFS-Web system.

By: /Robert A. Ambrose/

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